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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

KEVIN STERN,

Defendant.

CASE NO. 2:21-CR-00021-JAM

**STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER**

DATE: March 28, 2023
TIME: 9:00 a.m.
COURT: Hon. John A. Mendez

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on March 28, 2023.
2. By this stipulation, defendant now moves to continue the status conference until **June 13, 2023, at 09:00 a.m.**, and to exclude time between March 28, 2023, and June 13, 2023, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes investigative reports, photographs, affidavits, other documents, over 3,500 recorded phone calls intercepted pursuant to the Title III wiretap orders, and other recordings. This entire discovery is in the process of being produced directly to counsel and/or made available for

1 inspection and copying.

2 b) Counsel for defendant needs additional time to review the discovery in this case,
3 to conduct independent factual investigation, to research trial and sentencing issues, to consult
4 with the client, and to otherwise prepare. Additionally, Counsel for defendant is currently in trial
5 for a homicide case in Sacramento Superior Court. Finally, Counsel for defendant will be
6 traveling overseas from April 10 to April 28, 2023.

7 c) Counsel for defendant believes that failure to grant the above-requested
8 continuance would deny him the reasonable time necessary for effective preparation, taking into
9 account the exercise of due diligence.

10 d) The government does not object to the continuance.

11 e) Based on the above-stated findings, the ends of justice served by continuing the
12 case as requested outweigh the interest of the public and the defendant in a trial within the
13 original date prescribed by the Speedy Trial Act.

14 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
15 et seq., within which trial must commence, the time period of March 28, 2023 to June 13, 2023,
16 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
17 because it results from a continuance granted by the Court at defendant's request on the basis of
18 the Court's finding that the ends of justice served by taking such action outweigh the best interest
19 of the public and the defendant in a speedy trial.

20 g) The parties also agree that, because the discovery in this case is voluminous and
21 involves multiple wiretaps, an exclusion of time is also appropriate pursuant to 18 U.S.C. §
22 3161(h)(7)(A), B(ii) [Local Code T2].

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4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: March 24, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ ADRIAN T. KINSELLA
ADRIAN T. KINSELLA
Assistant United States Attorney

Dated: March 24, 2023

/s/ OLAF W. HEDBERG
OLAF W. HEDBERG
Counsel for Defendant
KEVIN STERN

ORDER

IT IS SO FOUND AND ORDERED.

Dated: March 24, 2023

/s/ John A. Mendez
THE HONORABLE JOHN A. MENDEZ
SENIOR UNITED STATES DISTRICT JUDGE